



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12209 of 2021

Amaresh @ Amresh

... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
Thanjavur Taluk Police Station, Thanjavur District.
(Crime No.951 of 2021)

... Respondent/Complainant

For Petitioner : Mr.C.Suresh Kannan, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

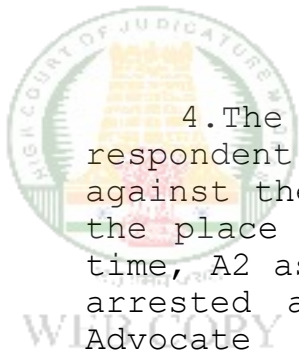
PRAYER :-For Bail in Crime No.951 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 herein, who was arrested on 26.07.2021 for the alleged offence under Sections 363 & 302 of I.P.C, in Crime No.951 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.07.2021, one Mainavathi, W/o Govindaraj lodged a complaint before the respondent police that the deceased namely Selvanathan was working as a Security in Thanjavur Government Medical College and there was a problem arose between the deceased and A1/ Santhosh regarding love affair with one girl. Due to that reason, the deceased and his friends attacked A1. While the brother of the A1 came to know about the said issue, he mediated and compromised between them. Since then, the deceased and A1 are good friends. On 25.07.2021 at about 4.00 p.m., while the deceased was standing in Pullaiyarpatti, A1 came there along with the petitioner/A2 in his two wheeler and took away the deceased. Thereafter, Selvanathan/deceased was found dead at a vacant land behind the Green City Hotel. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner herein is the friend of A1 and already there was a problem between A1 and the deceased regarding love affair with one girl. At the time of occurrence, the petitioner travelled along with the deceased and A1. He was not at all aware of the said problem. He would further submit that the petitioner is in jail from 26.07.2021 to 09.09.2021. Hence, he seeks bail to the petitioner.



4.The learned Government Advocate (Crl.Side)appearing for the respondent would submit that the petitioner is A2 and the overt act against the petitioner is that he has taken the deceased with A1 to the place of occurrence, where there was a wordy quarrel. At that time, A2 assaulted the deceased and caused death. A1 has also been arrested and he is in judicial custody. The learned Government Advocate (Crl. Side) further submitted that investigation is completed and almost all the witnesses have been examined and they are awaiting the Chemical Analysis Report. He fairly submitted that the petitioner is not having any other case to his credit.

5.Considering the nature of offence, the overt act attributed against the petitioner, the antecedent of the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/09/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
POSTERS SCHOOL, PUDUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12209 of 2021
Date :13/09/2021

TM
MK/VR/SAR.I/13.09.2021/3P/6C